

United States Court of Appeals
FOR THE DISTRICT OF COLUMBIA CIRCUIT

No. 23-3037

September Term, 2022

1:21-cr-00496-TJK-1

Filed On: June 2, 2023

United States of America,

Appellee

v.

Mark Sami Ibrahim,

Appellant

BEFORE: Millett, Pillard, and Rao, Circuit Judges

ORDER

Upon consideration of the motion to dismiss, the opposition thereto, the reply, and the Rule 28(j) letter, it is

ORDERED that the motion to dismiss be granted. The district court's order denying appellant's motion to dismiss the indictment is not appealable under the collateral order doctrine. See Midland Asphalt Corp. v. United States, 489 U.S. 794, 798–99 (1989). Appellant has not shown that the issues of his appeal are completely separate from the merits of the underlying proceeding or effectively unreviewable on appeal from a final judgment. See id. at 798–801.

Pursuant to D.C. Circuit Rule 36, this disposition will not be published. The Clerk is directed to withhold issuance of the mandate herein until seven days after resolution of any timely petition for rehearing or petition for rehearing en banc. See Fed. R. App. P. 41(b); D.C. Cir. Rule 41.

Per Curiam